United Nations A/HRC/RES/31/37

General Assembly

Distr.: General
12 April 2016

Original: English

Human Rights Council
Thirty-first session
Agenda item 3

Resolution adopted by the Human Rights Council on 24 March 2016

31/37. The promotion and protection of human rights in the context of peaceful protests

The Human Rights Council,

Reaffirming the purposes and principles of the Charter of the United Nations,

Reaffirming also the Universal Declaration of Human Rights, and recalling the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, and other relevant international and regional human rights treaties,

Recalling the Vienna Declaration and Programme of Action,

Recalling also its decision 17/120 of 17 June 2011 and its resolutions 19/35 of 23 March 2012, 22/10 of 21 March 2013 and 25/38 of 28 March 2014, on the promotion and protection of human rights in the context of peaceful protests,

Recalling further that States have the primary responsibility for the promotion and protection of human rights and fundamental freedoms, including in the context of assemblies, and to ensure that national legislation, policies and practices, as the national framework for the exercise of the rights to freedom of peaceful assembly, of expression and of association, are in compliance with international human rights law,

1. *Calls upon* all States to promote a safe and enabling environment for individuals and groups to exercise their rights to freedom of peaceful assembly, of expression and of association, recalls that all States have the responsibility in all circumstances, including in the context of peaceful protests, to promote, respect and protect human rights and to prevent human rights violations, including extrajudicial, summary or arbitrary executions, arbitrary arrest and detention, enforced disappearances, torture and other cruel, inhuman or degrading treatment or punishment, and sexual violence, and calls upon States to avoid the abuse of criminal and civil proceedings or threats of such acts at all times;

2. *Underlines* the necessity to address the management of assemblies, including peaceful protests, so as to contribute to their peaceful conduct, and to prevent loss of life of and injuries to protesters, bystanders, those monitoring such protests and officials exercising law enforcement duties, as well as any human rights violation or abuse, to ensure

Please recycle

accountability for such violations and abuses and to provide victims with access to a remedy and redress;

3. *Takes note with appreciation* of the compilation of practical recommendations for the proper management of assemblies based on best practices and lessons learned prepared by the Special Rapporteur on the rights to freedom of peaceful assembly and association and the Special Rapporteur on extrajudicial, summary or arbitrary executions,[1] in which they provide an analysis of the human rights involved before, during and after an assembly, including the rights to freedom of peaceful assembly, of expression, of association, and of religion or belief, the right to participation in the conduct of public affairs, the right to life, liberty and security of person, the right to be free from torture and cruel, inhuman or degrading treatment or punishment, as well as the right to an effective remedy for all human rights violations, and the respect for human dignity, bodily integrity, and privacy;

4. *Encourages* all States to give due consideration to the above mentioned compilation, which provides a useful tool for States on how to fulfil their obligations and commitments, including on how to operationalize them in their domestic laws, procedures and practices, to promote and protect human rights in the context of assemblies, including peaceful protests;

5. *Reaffirms* that all States must ensure that their domestic legislation and procedures relating to the rights to freedom of peaceful assembly, of expression and of association and to the use of force in the context of law enforcement are in conformity with their international obligations and commitments and effectively implemented, and must provide proper training for officials exercising law enforcement duties, including in the use of protective equipment and of less-lethal weapons;

6. *Encourages* all States to engage at the national and regional levels with relevant stakeholders, including assembly organizers, human rights defenders, civil society actors, national human rights institutions, as well as business enterprises and regional human rights mechanisms, on the management of assemblies, including, as appropriate, any follow-up to the compilation of practical recommendations;

7. *Stresses* the importance of international cooperation in support of national efforts for the promotion and protection of human rights and fundamental freedoms in the context of assemblies in order to raise the capacities of law enforcement agencies to deal with such assemblies in a manner that conforms to their international human rights obligations and commitments;

8. *Invites* States to seek relevant technical assistance, including from the Office of the United Nations High Commissioner for Human Rights, the United Nations Office on Drugs and Crime and from other specialized agencies where appropriate, from relevant special procedures of the Human Rights Council and from regional human rights mechanisms;

9. *Invites* all States to consider making recommendations, as appropriate, to States under review, in the context of the universal periodic review, on the management of assemblies and the promotion and protection of human rights in such contexts;

10. *Encourages* the Special Rapporteur on the rights to freedom of peaceful assembly and of association, the Special Rapporteur on extrajudicial, summary or arbitrary executions and other relevant special procedures of the Human Rights Council, as appropriate, in the framework of their mandates, to continue to address in their work, the

[1] A/HRC/31/66.

management of assemblies and the promotion and protection of human rights in such contexts;

11. *Decides* to remain seized of the matter.

66th meeting
24 March 2016

[Adopted by a recorded vote of 31 to 5, with 10 abstentions.* The voting was as follows:

In favour:

Albania, Algeria, Belgium, Botswana, Côte d'Ivoire, Ecuador, El Salvador, Ethiopia, France, Georgia, Germany, Ghana, India, Indonesia, Kenya, Kyrgyzstan, Latvia, Maldives, Mexico, Mongolia, Morocco, Netherlands, Panama, Paraguay, Philippines, Portugal, Republic of Korea, Slovenia, Switzerland, the former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland

Against:

Burundi, China, Cuba, Russian Federation, Venezuela (Bolivarian Republic of)

Abstaining:

Bangladesh, Bolivia (Plurinational State of), Namibia, Nigeria, Qatar, Saudi Arabia, South Africa, Togo, United Arab Emirates, Viet Nam]

* The delegation of the Congo did not cast a vote.